

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

TRAVIS TREVINO RUNNELS,	§
Petitioner,	§
	§
V.	§ CIVIL ACTION NO. 2:12-CV-74-J-BB
	§ ECF
WILLIAM STEPHENS, Director,	§ *DEATH PENALTY CASE*
Texas Department of Criminal	§
Justice, Correctional Institutions	§
Division,	§
Respondent.	§

**RESPONDENT'S UNOPPOSED FIRST MOTION FOR EXTENSION OF  
TIME WITH BRIEF IN SUPPORT**

This is a federal habeas corpus case brought by petitioner, Travis Trevino Runnels, under 28 U.S.C. §§ 2241 and 2254 (West 2013). By order of the Court, the Director has until June 6, 2013 to respond to Runnels's petition. Docket Entry (DE) #26. The undersigned requires additional time, however, to draft and file a response to the petition. Additional time is necessary for several reasons.

Following the undersigned's filing of the Director's Response in Opposition (DE #20) to Runnels's Motion for Leave (DE #18), the undersigned was requested to assist in drafting last-minute litigation in *Carl Blue v. Thaler*, 133 S.Ct. 1325 (2013). That litigation occurred during January and February 2013. Following the litigation in that case, the undersigned began familiarizing himself with the state court records in this case in preparation for drafting a responsive pleading. The state court records include Runnels's trial transcripts, direct appeal, and a substantial state habeas record.

Contemporaneously, an execution date was scheduled in another case to which the undersigned is assigned, *Robert Pruett v. Thaler*, 133 S.Ct. 141 (2012).<sup>1</sup> The undersigned was not originally assigned to the Robert Pruett case and, consequently, was required to familiarize himself with the records in that case in anticipation of last-minute litigation. The records the undersigned reviewed in that case consist of twenty-two volumes of trial transcripts as well as the direct appeal, state habeas and federal habeas records. But, approximately one week prior to the scheduled execution date, the undersigned was advised that the trial court had withdrawn the order setting an execution date.

Following the cessation of litigation in the Robert Pruett case, the undersigned has devoted his time to re-familiarizing himself with the record in this case and drafting a responsive pleading. Due to the undersigned's commitments in other cases described above, however, he has not yet been able to complete the Director's responsive pleading in this case.

This is the Director's first request for an extension of time in this cause. This request for an extension of time is not designed to harass the petitioner, nor to unnecessarily delay these proceedings. Rather, this extension is necessary to ensure the appropriate response to the petition and to address all issues raised. As a final note, based upon a conference with opposing counsel, the undersigned understands that this motion is unopposed.

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<sup>1</sup> The state trial court entered an order on February 11, 2013 setting an execution date of May 21, 2013.

For these reasons, the Director respectfully moves this Court for an extension of thirty-two days, to July 8, 2013, within which to comply with this Court's order.

Respectfully submitted,

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Attorney General of Texas

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First Assistant Attorney General

DON CLEMMER  
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s/ Jay Clendenin  
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ATTORNEYS FOR RESPONDENT

## CERTIFICATE OF CONFERENCE

I, Jay Clendenin, Assistant Attorney General of Texas, certify that I conferred via e-mail with counsel for Petitioner and was told that the Petitioner does not oppose this motion.

s/ Jay Clendenin  
JAY CLENDENIN  
Assistant Attorney General

## CERTIFICATE OF SERVICE

I do hereby certify that on June 4, 2013, I electronically filed the foregoing pleading with the Clerk of the Court for the U.S. District Court, Northern District of Texas, using the electronic case-filing system of the Court. The electronic case-filing system sent a "Notice of Filing" to the following attorneys of record, who consented in writing to accept this Notice as service of this document by electronic means. Further, a true and correct copy of the foregoing pleading was served by placing same in the United States mail, postage prepaid, on this the 4th day of June, 2013, addressed to:

Don Vernay  
Law Office of Don Vernay  
1604 Golf Course Road SE  
Rio Rancho, NM 87124

s/ Jay Clendenin  
JAY CLENDENIN  
Assistant Attorney General